



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2023-0047; FXES11140400000EA-234-FF04EA1000]

### Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Alabama Beach Mouse, Baldwin County, AL; Categorical Exclusion

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce receipt of an application from James Bruckmann (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed Alabama beach mouse (*Peromyscus polionotus ammobates*) incidental to construction in the City of Orange Beach, Baldwin County, Alabama. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

**DATES:** We must receive your written comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**ADDRESSES: *Obtaining Documents:*** You may obtain copies of the documents online in Docket No. FWS-R4-ES-2023-0047 at <https://www.regulations.gov>.

***Submitting Comments:*** If you wish to submit comments on any of the documents, you

may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2023-0047.
- *U.S. mail:* Public Comments Processing; Attn: Docket No. FWS-R4-ES-2023-0047; U.S. Fish and Wildlife Service; MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Lynn, Project Manager, by telephone at 251-441-5868 or by email at [william\\_lynn@fws.gov](mailto:william_lynn@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We, the Fish and Wildlife Service (Service), announce receipt of an application from James Bruckmann (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally endangered Alabama beach mouse (ABM; *Peromyscus polionotus ammobates*) incidental to the construction of three single-family homes (project) in the City of Orange Beach, Baldwin County, Alabama. We request public comment on the application, which includes the applicant's habitat conservation plan (HCP), and on the Service's preliminary determination that this proposed ITP qualifies as "low effect," and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also

available for public review.

### **Proposed Project**

The applicant requests a 30-year ITP to take ABM by converting approximately 0.319 acre (ac) of occupied ABM foraging and sheltering habitat incidental to the construction of three single-family homes located on three parcels totaling 2.79 ac in Baldwin County, Alabama. On the largest parcel, there was a previous single-family home that was destroyed in 2004 by Hurricane Ivan. The remaining portion of habitat on the lot (2.47 ac) will be protected and maintained to continue to provide habitat for the ABM. Minimization and mitigation measures include pre-construction trapping, relocation, annual monitoring, management, and reporting efforts. Habitat enhancement will occur on areas in need through augmentation of natural processes, including sand fencing. The applicant proposes to donate a \$2.30-per-square-foot in-lieu fee for the 0.319-ac take to the Alabama Coastal Heritage Trust (ACHT), which will use the fee to manage, maintain, or acquire ABM habitat within the City of Orange Beach or elsewhere within the ABM's range.

The standard mitigation and minimization measures to be implemented on the site include installing sea turtle-friendly lighting and tinted windows, landscaping with native vegetation, enhancing the frontal dune area, constructing a concrete driveway that will not disperse in a storm surge, implementing refuse-control measures during construction and requiring that future residents utilize such measures, and restoring ABM habitat after tropical storms. Free-roaming cats and the use of exterior rodenticide will be prohibited within the parcel. Post-construction ABM habitat on site should total 2.47 ac of the 2.79-ac parcel.

### **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment—including

your personal identifying information—may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

### **Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's proposed project, including land clearing, infrastructure building, landscaping, and the proposed mitigation and minimization measures, would individually and cumulatively have a minor effect on the Alabama beach mouse and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a "low effect" ITP that individually or cumulatively would have a minor effect on the ABM and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A "low effect" ITP is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonable foreseeable actions, would not result in significant cumulative effects to the human environment.

### **Next Steps**

The Service will evaluate the application and the comments received to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0109456 to James Bruckmann.

### **Authority**

The Service provides this notice under section 10(c) of the Endangered Species

Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500-1508 and 43 CFR 46).

**William J. Pearson,**

*Field Supervisor,*

*Alabama Ecological Service Field Office.*

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